



# PUBLIC NOTICE

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## **PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 21 (MICHIGAN) 700 MHZ REGIONAL PLAN AMENDMENT**

### **WT Docket No. 02-378**

*Introduction.* On January 30, 2013, the Region 21 (Michigan)<sup>1</sup> 700 MHz Regional Planning Committee (Region 21) submitted a proposed amendment to its 700 MHz Public Safety Plan for the General Use<sup>2</sup> spectrum in the 769-775/799-805 MHz band.<sup>3</sup> On April 15, 2013, Region 21 resubmitted four appendices, including a map of Region 21 detailing the U.S./Canada Border Sharing and Protection Zones.<sup>4</sup> For the reasons discussed below, we approve the Region 21 700 MHz Plan Amendment.

*Background.* In 1998, the Commission established a structure to allow regional planning committees (RPCs) optimal flexibility to meet state and local needs, encourage innovative use of the spectrum, and accommodate new and as yet unanticipated developments in technology and equipment.<sup>5</sup> The Commission's rules require each of the fifty-five RPCs to submit its plan for the General Use

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<sup>1</sup> The Region 21 (Michigan) 700 MHz regional planning area includes all eighty-three (83) Michigan counties in both the Lower and Upper Peninsulas, and shares its eastern and northeastern borders with Canada. In addition, there are four federally recognized Native American Tribal Nations: Chippewa, Odawa, Ottawa and Potawatomi.

<sup>2</sup> The General Use spectrum is administered by regional planning committees (RPCs) and is licensed for public safety services on a site-by-site basis in accordance with the relevant Commission-approved regional plan and frequency coordination.

<sup>3</sup> See Letter from Keith Bradshaw, Chairman, Region 21 (Michigan), Michigan Public Safety Frequency Advisory Committee, to David Turetsky, Chief, FCC, Public Safety and Homeland Security Bureau, WT Docket No. 02-378 (filed Jan. 30, 2013) (submitting Plan Amendment); See also Public Safety and Homeland Security Approves Region 21 (Michigan) Revised 700 MHz Regional Plan, WT Docket No. 02-378, PS Docket No. 06-229, *Public Notice*, 23 FCC Rcd 14883 (PSHSB 2008).

<sup>4</sup> See Revised Plan Amendment Appendices (G)-Loading Requirements, (H)-Regional Appeal Process, (I)-Application Submission and Approval and Competing Application Evaluation Flow Charts, and (J)-Spectrum Allotment, WT Docket 02-378 (filed Apr 15, 2013) (submitting revised appendices). Please note that the indicated distances to the border are estimates.

<sup>5</sup> See 47 C.F.R. § 90.527; see also Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86, *First Report and Order and Third Notice of Proposed Rulemaking*, 14 FCC Rcd 152 (1998) (*First Report and Order*); Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86, *Second Memorandum Opinion and Order*, 15 FCC Rcd 16844 (2000).

spectrum.<sup>6</sup> The Commission's role in relation to the RPCs is limited to (1) defining the regional boundaries; (2) requiring fair and open procedures, *i.e.*, requiring notice, opportunity for comment, and reasonable consideration; (3) specifying the elements that all regional plans must include; and (4) reviewing and accepting proposed plans (or amendments to approved plans) or rejecting them with an explanation.<sup>7</sup>

On July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.<sup>8</sup> The Commission adopted a plan for the 700 MHz band to establish a nationwide, interoperable public safety broadband communications network for the benefit of state and local public safety users. The Commission designated the lower half of the 700 MHz public safety band for broadband communications (763-768/793-798 MHz) and consolidated existing narrowband allocations in the upper half of the public safety 700 MHz band (769-775/799-805 MHz).

*Review of the Region 21 Plan Amendment.* The Region 21 Planning Committee modified the Plan to reflect the current conditions in the communications landscape and to reconcile language differences between the 700 MHz and 800 MHz NPSPAC regional plans in order to improve the application process, spectrum management, and over all utilization. The Plan is modified by:

- Removing the application open filing window process, replacing it with application review at scheduled RPC meetings,<sup>9</sup> and adding a requirement that applicants provide an interoperability plan in support of requests for spectrum resources.<sup>10</sup>
- Changing the propagation model from Okimura-Hata to modified R-6602 or any other methodology as provided for in TSB-88.<sup>11</sup>
- Establishing a new definition of coverage and service area by expanding the multi-jurisdictional systems service area (for greater flexibility in managing county allotments) to the geographic boundaries of the given counties, plus 10 miles; adding language to provide for re-use of unused portions of the 25 kHz channel blocks (orphaned channels), and guidelines for relocating 25 kHz channel blocks throughout the region to accommodate applicants who find their original channel allotments unworkable.<sup>12</sup>
- Adding a new Appendix G – Loading Requirements for trunked systems.<sup>13</sup>

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<sup>6</sup> See 47 C.F.R. § 90.527. Each RPC must incorporate certain common elements into its 700 MHz plan. A list of 700 MHz RPCs and region activities is available at <http://www.fcc.gov/pshs/public-safety-spectrum/700-MHz/>.

<sup>7</sup> *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

<sup>8</sup> Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007).

<sup>9</sup> Plan Amendment, Application Process at 7-8.

<sup>10</sup> Plan Amendment, Interoperability Communications Requirements at 14.

<sup>11</sup> Plan Amendment, Coverage and Interference Considerations at 11.

<sup>12</sup> Plan Amendment, Coverage and Interference Considerations at 11-12.

<sup>13</sup> Plan Amendment, Appendix G – Loading Requirements (each applicant must certify that a minimum of 100 mobiles for each 12.5 kHz channel block will be placed in service within five of plan approval date).

- Revising Plan Appendix D - Bylaws to serve both the 700 MHz and 800 MHz NPSPAC regional planning committees.
- Revising Plan Appendix J - Spectrum Allotment: Canada/US Border Sharing Zone 1, Sector 1, Canadian Primary channels are highlighted in **Red**. Canadian/US Border Protection Zone channels are highlighted in **Blue** for planning purposes. Channel blocks highlighted in **Yellow** with **Red** entries denote a split channel block.<sup>14</sup>
- Advising applicants that the U.S./Canada Border Sharing and Protection Zones reflected on the Region 21 Map are approximate and that applicants must calculate the distance to the border of their individual facilities in order to determine whether or not they are located in the Sharing or Protection Zones.<sup>15</sup>

All four regions adjacent to Region 21 -- Region 14 (Indiana), Region 33 (Ohio), Region 45 (Wisconsin), and Region 54 (Great Lakes Area) -- reviewed and provided letters of concurrence in support of the Plan Amendment.<sup>16</sup>

On April 25, 2013, the Region 21 Plan Amendment was placed on *Public Notice* for comment.<sup>17</sup> We received no comments. We have reviewed the Region 21 Plan Amendment, and conclude, based on the information before us that it complies with Commission rules and policies. Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.102(b) of the Commission's rules, 47 C.F.R. § 1.102(b), we APPROVE the Region 21 (Michigan) 700 MHz Public Safety Plan Amendment.

We take this action under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

Action by the Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau.

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<sup>14</sup> Plan Amendment, International Treaty Considerations at 10. The zones are depicted on a map of the region included in Appendix J.

<sup>15</sup> Plan Amendment at Appendix J – Spectrum Allotment.

<sup>16</sup> See 47 C.F.R. 90.527(a)(5) (requiring that each regional planning committee provide an explanation of how its plan has been coordinated with adjacent regions).

<sup>17</sup> See Public Safety and Homeland Security Bureau Seeks Comments on Region 21 (Michigan) 700 MHz Plan Amendment, WT Docket No. 02-378, *Public Notice*, 28 FCC Rcd 5540 (PSHSB 2013). Comments were due May 15, 2013, and reply comments were due May 28, 2013.